

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FOR KING COUNTY

SCOTT AND KATHRYN KASEBURG, ET
AL,
MARTIN FEDIGAN,
BARBARA BERGSTROM,
KIM AND PAMELA KAISER,
DAVID AND KELLI KOMENDAT,
WILLIAM AND SUSAN BLOKKER,
DAVID AND SALLY MCCRAY,
JOHN LORGE, III AND NANCY LORGE,
JOHN AND MOLLY HOWELL,
DARIUS AND VICKI RICHARDS,
GEORGE AND NANCY JOHNSTON,
GREGORY AND SHERRE PIANTANIDA,
PAUL AND CHRISTINE FERGEN,
KEVIN IDEN,
TOM AND KAREN EASTON,
PAUL AND KARYN PASQUIER,
JOHN HOUTZ,
TERENCE AND KARI BLOCK,
LARRY AND SUSAN KOLESAR,
JOHN AND REBECCA LAUGHLIN,
JEFFREY AND TAMI RILEY,
NANCY MANZ,
DONALD AND PATRICIA DANA,
CHRISTIE MUELLER,
DENISE HARRIS,
WALTER MOORE,

NO. 2:14-CV-000784-JCC

SECOND AMENDED COMPLAINT TO
QUIET TITLE AND FOR DECLARATORY
RELIEF

SECOND AMENDED COMPLAINT TO QUIET TITLE
AND FOR DECLARATORY RELIEF- PAGE 1

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6 MARJORIE GRUNDHAUS,
7 WILLIAM AND DEBRA KEPPLER,
8 CURTIS AND JULIE DICKERSON,
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10 YONGTAO CHEN AND QIN LI,
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13 DONALD MILLER AND SUSAN MINER,
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JULIAN LIMITED PARTNERSHIP,
STEVEN AND KRISTEN BRACE,
CHARLES AND COURTNI BILLOW,
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PIERRE & CRISTI THIRY,
MICHAEL FRANCESHINA,
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ROBERT AND JANIS LARIS,
MICHAEL AND ELANA RUSSELL,
UMA SHENOY,
LARRY AND SUSAN PETERSON,
JOSEPH AND KRISTIN PETERSON,
JOHN PATRICK HEILY AND SUNDAY
KYRKOS,
PAUL AND TRACY GIBBONS,
DAYTON AND MARILYNN DENNISON,
GREGORY NICK,
DIVERSITY ASSETS, LLC,

SECOND AMENDED COMPLAINT TO QUIET TITLE
AND FOR DECLARATORY RELIEF- PAGE 2

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11 DAVID AND APRIL HUMPHREY
12 JAMES TASCA,
13 MICHAEL AND AMANDA CHAN,
14 GARY WEIL,
15 DALE AND MARLA MITCHELL,
16 FREDERICK AND SUSAN MILLER,
17 FREDERICK A. CROSETTO,
18 PAMELA HUNT,
19 GRETCHEN CHAMBERS.

20 Plaintiffs,

21 vs.

22 PORT OF SEATTLE, a municipal
23 corporation; PUGET SOUND ENERGY,
24 INC., a Washington for profit corporation,
25 and KING COUNTY, a home rule charter
county, and CENTRAL PUGET SOUND
REGIONAL TRANSIT AUTHORITY, a
municipal corporation,

Defendants.

COME NOW Plaintiffs Scott and Kathryn Kaseburg, Martin Fedigan,
Barbara Bergstrom, Kim and Pamela Kaiser, David and Kelli Komendat,
William and Susan Blokker, David and Sally McCray, John Lorge, III and Nancy
Lorge, John and Molly Howell, Darius and Vicki Richards, George and Nancy
Johnston, Gregory and Sherre Piantanida, Paul and Christine Fergen, Kevin

SECOND AMENDED COMPLAINT TO QUIET TITLE
AND FOR DECLARATORY RELIEF- PAGE 3

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1 Iden, Tom and Karen Easton, Paul and Karyn Pasquier, John Houtz, Terence
2 and Kari Block, Larry and Susan Kolesar, John and Rebecca Laughlin, Jeffrey
3 and Tami Riley, Nancy Manz, Donald and Patricia Dana, Christie Mueller,
4 Denise Harris, Walter Moore, Tom and Kathy Dahlby, Harry Dursch and Kirsten
5 Lemke, Richard Vaughn, Richard S. and Lois Howell, Donald and Patricia
6 Lockner, Marjorie Grundhaus, William and Debra Keppler, Curtis and Julie
7 Dickerson, Gregory and Patricia Lasek, Yongtao Chen and Qin Li, Robert and
8 Alison Taylor, Ed Jones, Donald Miller and Susan Miner, Ronald and Carol
9 Jones, Steve and Sherri Smolinske, Joseph Ioppolo, Richard and Lynn Kaner,
10 Bradley R. and Gregory P. Elfers, Paul Remington, John Burroughs, Bruce and
11 Mary Erikson, Timothy and Virginia Riley, James and Kelly Sather, Julian
12 Limited Partnership, c/o Dean & Bryan Johnson, Steven and Kristen Brace,
13 Charles and Courtni Billow, Harold A. Bruce, Pierre & Cristi Thiry, Michael
14 Franceshina, Michael and Gina Oldham, Stephen and Nancy Porter, Robert
15 and Janis Laris, Michael and Elana Russell, Uma Shenoy, Larry and Susan
16 Peterson, Joseph and Kristin Peterson, John Patrick Heily and Sunday Kyrkos,
17 Paul and Tracy Gibbons, Dayton and Marilynn Dennison, Gregory Nick,
18 Diversity Assets LLC, James Johnson, David Williamson and Kristi Sunderland,
19 Claudia Mansfield, Kevin and Rebecca Lindahl, Kevin Tran, Jeanne DeMund,
20 Kathy Haggart and Dawn Lawson, Marlene Winter, Jie Ao and Xin Zhou, David
21 and April Humphrey, James Tasca, Michael and Amanda Chan, Gary Weil,
22 Dale and Marla Mitchell, Frederick and Susan Miller, and Frederick A. Crosetto,
23
24
25

1 Pamela Hunt, and Gretchen Chambers for their causes of action against the
2 Port of Seattle, Puget Sound Energy, Inc., King County, and Central Puget
3 Sound Regional Transit Authority, pursuant to the Revised Code of Washington
4 § 7.28.010, *et seq*, and § 7.24.010, *et. seq.*, and allege as follows:

5 **NATURE OF ACTION**

6 1. Plaintiffs are landowners who own fee title in land adjoining an
7 abandoned railroad right-of-way in King County, Washington that runs from
8 milepost 5.0 near Kenndale to milepost 10.60 at Wilburton, along Lake
9 Washington.
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11 2. Plaintiffs filed the original complaint on April 28, 2014 and the first
12 amended complaint on May 16, 2014 in the Superior Court of the State of
13 Washington for Snohomish County.

14 3. The railroad, both at the time of the acquisition of the right-of-way
15 in the 1890s and the abandonment of the right-of-way in 2008, acquired an
16 easement for railroad purposes over and through the adjacent landowners' land
17 that was limited to the surface of the adjacent landowners' fee ownership in
18 their land.
19

20 4. The Port of Seattle ("Port"), Puget Sound Energy, Inc. ("PSE"),
21 King County, and Central Puget Sound Regional Transit Authority ("Sound
22 Transit"), by and through The National Trails System Act Amendments of 1983,
23 16 U.S.C. § 1247(d) ("Trails Act"), and a series of related transactions,
24 contracts, and deeds have improperly and illegally invaded and clouded
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1 Plaintiffs' fee ownership in their subsurface and aerial rights associated with the
2 right-of-way.

3 5. Plaintiffs seek, among other things, judgment to quiet title, a
4 declaratory judgment, any actual and statutory damages, attorneys' fees, and
5 costs.

6 **THE PARTIES**

7
8 6. The Port is a Washington municipal corporation and a port district
9 that runs Seattle's seaport and airport. The Port was authorized by the Port
10 District Act and was then created and was approved by the voters of King
11 County, Washington on September 5, 1911. It is run by an elected five-
12 member commission.

13 7. PSE is a Washington corporation and a private for profit electric
14 and gas utility company operating in the State of Washington.

15
16 8. King County is a home rule charter county and a political
17 subdivision of the State of Washington.

18 9. Sound Transit is a Washington municipal corporation, responsible
19 for the construction and operation of high-capacity public transportation
20 systems within its district.

21 10. Plaintiffs Scott and Kathryn Kaseburg are husband and wife. The
22 Kaseburgs are residents of King County, Washington who own land adjacent to
23 the former railroad easement acquired by the Port in 2009. Scott and Kathryn
24 Kaseburgs' property, Parcel Number 6828700045, located at 5443 Pleasure
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1 Point Lane SE, was acquired on August 26, 2000 and includes the fee title to all
2 that property to the centerline of the abandoned right-of-way that is now subject
3 to an easement for an interim trail and possible future railroad reactivation
4 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
5 the above-described property is attached as as Exhibit 1).

6 11. Plaintiff Martin Fedigan is a resident of King County, Washington
7 who owns land adjacent to the former railroad easement acquired by the Port in
8 2009. Martin Fedigan's property, Parcel Number 6828700005, located at 5479
9 Pleasure Point Lane SE, was acquired on August 1, 1995 and includes the fee
10 title to all that property to the centerline of the abandoned right-of-way that is
11 now subject to an easement for an interim trail and possible future railroad
12 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
13 ownership of the above-described property is attached as Exhibit 2).

14 12. Plaintiff Barbara Bergstrom is a resident of King County,
15 Washington who owns land adjacent to the former railroad easement acquired
16 by the Port in 2009. Barbara Bergstrom's property, Parcel Number
17 6828700090, located at 5243 Pleasure Point Lane SE, was acquired on May
18 11, 1966 and includes the fee title to all that property to the centerline of the
19 abandoned right-of-way that is now subject to an easement for an interim trail
20 and possible future railroad reactivation pursuant to the Trails Act. (A copy of
21 the current deed evidencing ownership of the above-described property is
22 attached as Exhibit 3). .
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1 13. Plaintiffs Kim and Pamela Kaiser are husband and wife. The
2 Kaisers are residents of King County, Washington who own land adjacent to
3 the former railroad easement acquired by the Port in 2009. Kim and Pamela
4 Kaisers' property, Parcel Number 6828700105, located at 5227 Pleasure Point
5 Lane SE, was acquired on February 23, 1983 and includes the fee title to all
6 that property to the centerline of the abandoned right-of-way that is now subject
7 to an easement for an interim trail and possible future railroad reactivation
8 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
9 the above-described property is attached as Exhibit 4).

11 14. Plaintiffs David and Kelli Komendat are husband and wife. The
12 Komendats are residents of King County, Washington who own land adjacent
13 to the former railroad easement acquired by the Port in 2009. David and Keilli
14 Komendats' property, Parcel Number 3343302530, located at 6811 Ripley Lane
15 SE, was acquired on February 20, 2013 and includes the fee title to all that
16 property to the centerline of the abandoned right-of-way that is now subject to
17 an easement for an interim trail and possible future railroad reactivation
18 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
19 the above-described property is attached as Exhibit 5).

21 15. Plaintiffs William and Susan Blokker are husband and wife. The
22 Blokkers are residents of King County, Washington who own land adjacent to
23 the former railroad easement acquired by the Port in 2009. Bill and Susan
24 Blokkers' property, Parcel Number 3343302660, located at 6837 Ripley Lane
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1 SE, was acquired on September 14, 2012 and includes the fee title to all that
2 property to the centerline of the abandoned right-of-way that is now subject to
3 an easement for an interim trail and possible future railroad reactivation
4 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
5 the above-described property is attached as Exhibit 6).

6 16. Plaintiffs David and Sally McCray are husband and wife. The
7 McCrays are residents of King County, Washington who own land adjacent to
8 the former railroad easement acquired by the Port in 2009. David & Sally
9 McCrays' property, Parcel Number 3343302540, located at 6815 Ripley Lane
10 SE, was acquired on August 12, 1993 and includes the fee title to all that
11 property to the centerline of the abandoned right-of-way that is now subject to
12 an easement for an interim trail and possible future railroad reactivation
13 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
14 the above-described property is attached as Exhibit 7).

15 17. Plaintiffs John Lorge, III and Nancy Lorge are husband and wife.
16 The Lorges are residents of King County, Washington who own land adjacent
17 to the former railroad easement acquired by the Port in 2009. John and Nancy
18 Lorges' property, Parcel Number 3343302320, located at 6437 Ripley Lane SE,
19 was acquired on August 18, 1982 and includes the fee title to all that property
20 to the centerline of the abandoned right-of-way that is now subject to an
21 easement for an interim trail and possible future railroad reactivation pursuant
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1 to the Trails Act. (A copy of the current deed evidencing ownership of the
2 above-described property is attached as Exhibit 8).

3 18. Plaintiffs John and Molly Howell are husband and wife. The
4 Howells are residents of King County, Washington who own land adjacent to
5 the former railroad easement acquired by the Port in 2009. John and Molly
6 Howells' property, Parcel Number 6828100060, located at 5811 Pleasure Point
7 Road SE, was acquired on May 3, 1994 and includes the fee title to all that
8 property to the centerline of the abandoned right-of-way that is now subject to
9 an easement for an interim trail and possible future railroad reactivation
10 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
11 the above-described property is attached as Exhibit 9).

13 19. Plaintiffs Darius and Vicki Richards are husband and wife. The
14 Richards are residents of King County, Washington who own land adjacent to
15 the former railroad easement acquired by the Port in 2009. Darius and Vicki
16 Richards' property, Parcel Number 3342700330, located at 3605 Lake
17 Washington Blvd., was acquired on June 20, 1974 and includes the fee title to
18 all that property to the centerline of the abandoned right-of-way that is now
19 subject to an easement for an interim trail and possible future railroad
20 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
21 ownership of the above-described property is attached as Exhibit 10).

23 20. Plaintiffs George and Nancy Johnston are husband and wife. The
24 Johnstons are residents of King County, Washington who own land adjacent to
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1 the former railroad easement acquired by the Port in 2009. George and Nancy
2 Johnstons' property, Parcel Number 3343302630, located at 6831 Ripley Lane
3 N, was acquired on January 4, 2004 and includes the fee title to all that
4 property to the centerline of the abandoned right-of-way that is now subject to
5 an easement for an interim trail and possible future railroad reactivation
6 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
7 the above-described property is attached as Exhibit 11).

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9 21. Plaintiffs Gregory and Sherre Piantanida are husband and wife.
10 The Piantanidas are residents of King County, Washington who own land
11 adjacent to the former railroad easement acquired by the Port in 2009. Gregory
12 and Sherre Piantanidas' property, Parcel Number 3343302740, located at 7011
13 Ripley Lane N, was acquired on December 10, 1999 and includes the fee title
14 to all that property to the centerline of the abandoned right-of-way that is now
15 subject to an easement for an interim trail and possible future railroad
16 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
17 ownership of the above-described property is attached as Exhibit 12).

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19 22. Plaintiffs Paul and Christine Fergen are husband and wife. The
20 Fergens are residents of King County, Washington who own land adjacent to
21 the former railroad easement acquired by the Port in 2009. Paul and Christine
22 Fergens' property, Parcel Number 6828700010, located at 5483 Pleasure Point
23 Lane SE, was acquired on August 2, 2004 and includes the fee title to all that
24 property to the centerline of the abandoned right-of-way that is now subject to
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1 an easement for an interim trail and possible future railroad reactivation
2 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
3 the above-described property is attached as Exhibit 13).

4 23. Plaintiff Kevin Iden is a resident of King County, Washington who
5 owns land adjacent to the former railroad easement acquired by the Port in
6 2009. Kevin Iden's property, Parcel Number 3343302870, located at 5121
7 Ripley Lane N, was acquired on January 5, 2004 and includes the fee title to all
8 that property to the centerline of the abandoned right-of-way that is now subject
9 to an easement for an interim trail and possible future railroad reactivation
10 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
11 the above-described property is attached as Exhibit 14).

13 24. Plaintiffs Tom and Karen Easton are husband and wife. The
14 Eastons are residents of King County, Washington who own land adjacent to
15 the former railroad easement acquired by the Port in 2009. Tom and Karen
16 Eastons' property, Parcel Number 3342700355, located at 3601 Lake
17 Washington Blvd, N, was acquired on March 13, 2012 and includes the fee title
18 to all that property to the centerline of the abandoned right-of-way that is now
19 subject to an easement for an interim trail and possible future railroad
20 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
21 ownership of the above-described property is attached as Exhibit 15).

23 25. Plaintiffs Paul and Karyn Pasquier are husband and wife. The
24 Pasquiers are residents of King County, Washington who own land adjacent to
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1 the former railroad easement acquired by the Port in 2009. Paul and Karyn
2 Pasquiers' property, Parcel Number 3342700250, located at 3709 Lake
3 Washington Blvd, N, was acquired on April 25, 2007 and includes the fee title to
4 all that property to the centerline of the abandoned right-of-way that is now
5 subject to an easement for an interim trail and possible future railroad
6 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
7 ownership of the above-described property is attached as Exhibit 16).
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9 26. Plaintiff John Houtz is a resident of King County, Washington who
10 owns land adjacent to the former railroad easement acquired by the Port in
11 2009. John Houtz's property, Parcel Number 3343302510, located at 6809
12 Ripley Lane, SE, was acquired on November 13, 1989 and includes the fee title
13 to all that property to the centerline of the abandoned right-of-way that is now
14 subject to an easement for an interim trail and possible future railroad
15 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
16 ownership of the above-described property is attached as Exhibit 17).
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18 27. Plaintiffs Terence and Kari Block are husband and wife. The
19 Blocks are residents of King County, Washington who own land adjacent to the
20 former railroad easement acquired by the Port in 2009. Terence and Kari
21 Blocks' property, Parcel Number 3343301980, located at 6027 Hazelwood
22 Lane SE, was acquired on May 29, 2003 and includes the fee title to all that
23 property to the centerline of the abandoned right-of-way that is now subject to
24 an easement for an interim trail and possible future railroad reactivation
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1 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
2 the above-described property is attached as Exhibit 18).

3 28. Plaintiff's Larry and Susan Kolesar are residents of King County,
4 Washington who owns land adjacent to the former railroad easement acquired
5 by the Port in 2009. Larry and Susan Kolesars' property, Parcel Number
6 3629160010, located at 1030 N. 38th St., was acquired on May 29, 1988 and
7 includes the fee title to all that property to the centerline of the abandoned right-
8 of-way that is now subject to an easement for an interim trail and possible
9 future railroad reactivation pursuant to the Trails Act. (A copy of the current
10 deed evidencing ownership of the above-described property is attached as
11 Exhibit 19).

12 29. Plaintiffs John and Rebecca Laughlin are husband and wife. The
13 Laughlins are residents of King County, Washington who own land adjacent to
14 the former railroad easement acquired by the Port in 2009. John and Rebecca
15 Laughlins' property, Parcel Number 4134300277, located at 11221 SE 50th
16 Place, was acquired on June 21, 2010, and includes the fee title to all that
17 property to the centerline of the abandoned right-of-way that is now subject to
18 an easement for an interim trail and possible future railroad reactivation
19 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
20 the above-described property is attached as Exhibit 20).

21 30. Plaintiffs Jeffrey and Tami Riley are husband and wife. The
22 Rileys are residents of King County, Washington who own land adjacent to the
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1 former railroad easement acquired by the Port in 2009. Jeffrey and Tami
2 Rileys' property, Parcel Number 3342700125, located at 3821 Lake
3 Washington Blvd. N, was acquired on October 17, 2012, and includes the fee
4 title to all that property to the centerline of the abandoned right-of-way that is
5 now subject to an easement for an interim trail and possible future railroad
6 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
7 ownership of the above-described property is attached as Exhibit 21).
8

9 31. Plaintiff Nancy Manz is a resident of King County, Washington
10 who owns land adjacent to the former railroad easement acquired by the Port in
11 2009. Nancy Manz's property, Parcel Number 3343302720, located at 7009
12 Ripley Lane SE, was acquired on February 20, 1962 and includes the fee title
13 to all that property to the centerline of the abandoned right-of-way that is now
14 subject to an easement for an interim trail and possible future railroad
15 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
16 ownership of the above-described property is attached as Exhibit 22).
17

18 32. Plaintiffs Donald and Patricia Dana are husband and wife. The
19 Danas are residents of King County, Washington who own land adjacent to the
20 former railroad easement acquired by the Port in 2009. Donald and Patricia
21 Danas' property, Parcel Numbers 3343302830 and 3343302831, located at
22 5219 Ripley Lane, were acquired on December 21, 2000, and May 24, 2004
23 and includes the fee title to all that property to the centerline of the abandoned
24 right-of-way that is now subject to an easement for an interim trail and possible
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1 future railroad reactivation pursuant to the Trails Act. (A copy of the current
2 deed evidencing ownership of the above-described property is attached as
3 Exhibit 23).

4 33. Plaintiff Christie Mueller is a resident of King County, Washington
5 who owns land adjacent to the former railroad easement acquired by the Port in
6 2009. Christie Mueller's property, Parcel Number 3343302670, located at 6841
7 Ripley Lane N, was acquired on April 13, 1994, and includes the fee title to all
8 that property to the centerline of the abandoned right-of-way that is now subject
9 to an easement for an interim trail and possible future railroad reactivation
10 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
11 the above-described property is attached as Exhibit 24).

13 34. Plaintiff Denise Harris is a resident of King County, Washington
14 who owns land adjacent to the former railroad easement acquired by the Port in
15 2009. Denise Harris's property, Parcel Number 6828100070, located at 5641
16 Pleasure Point Lane., was acquired on February 17, 2006 and includes the fee
17 title to all that property to the centerline of the abandoned right-of-way that is
18 now subject to an easement for an interim trail and possible future railroad
19 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
20 ownership of the above-described property is attached as Exhibit 25).

22 35. Plaintiff Walter Moore is a resident of King County, Washington
23 who owns land adjacent to the former railroad easement acquired by the Port in
24 2009. Walter Moore's property, Parcel Numbers 3343302876 and
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1 3343302874, located at 5115 Ripley Lane N, were acquired on July 29, 1999
2 and November 19, 1999 and includes the fee title to all that property to the
3 centerline of the abandoned right-of-way that is now subject to an easement for
4 an interim trail and possible future railroad reactivation pursuant to the Trails
5 Act. (A copy of the current deed evidencing ownership of the above-described
6 property is attached as Exhibit 26).

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8 36. Plaintiffs Tom and Kathy Dahlby are husband and wife. The
9 Dahlbys are residents of King County, Washington who own land adjacent to
10 the former railroad easement acquired by the Port in 2009. Tom and Kathy
11 Dahlbys' property, Parcel Numbers 3342103795 and 3342103805, located at
12 3217 Mountain View Avenue, N, and 3213 Mountain Avenue, N, were acquired
13 on August 24, 2004 and includes the fee title to all that property to the
14 centerline of the abandoned right-of-way that is now subject to an easement for
15 an interim trail and possible future railroad reactivation pursuant to the Trails
16 Act. (A copy of the current deed evidencing ownership of the above-described
17 property is attached as Exhibit 27).

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19 37. Plaintiffs Harry Dursch and Kirsten Lemke are husband and wife.
20 Harry Dursch and Kirsten Lemke are residents of King County, Washington
21 who own land adjacent to the former railroad easement acquired by the Port in
22 2009. Harry Dursch and Kirsten Lemke's property, Parcel Number
23 6828700025, located at 5459 Pleasure Point Lane, was acquired on December
24 22, 1992, and includes the fee title to all that property to the centerline of the
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1 abandoned right-of-way that is now subject to an easement for an interim trail
2 and possible future railroad reactivation pursuant to the Trails Act. (A copy of
3 the current deed evidencing ownership of the above-described property is
4 attached as Exhibit 28).

5 38. Plaintiff Richard Vaughn is a resident of King County, Washington
6 who owns land adjacent to the former railroad easement acquired by the Port in
7 2009. Richard Vaughn's property, Parcel Number 3343302862, located at
8 5137 Ripley Lane N., was acquired on November 14, 2007 and includes the fee
9 title to all that property to the centerline of the abandoned right-of-way that is
10 now subject to an easement for an interim trail and possible future railroad
11 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
12 ownership of the above-described property is attached as Exhibit 29).

13 39. Plaintiffs Richard S. and Lois Howell are husband and wife. The
14 Howells are residents of King County, Washington who own land adjacent to
15 the former railroad easement acquired by the Port in 2009. Richard Scott and
16 Lois Howells' property, Parcel Number 3342104009, located at 2827 Mountain
17 View Avenue N., was acquired on July 20, 2011, and includes the fee title to all
18 that property to the centerline of the abandoned right-of-way that is now subject
19 to an easement for an interim trail and possible future railroad reactivation
20 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
21 the above-described property is attached as Exhibit 30).

1 40. Plaintiffs Donald and Patricia Lockner are husband and wife. The
2 Lockners are residents of King County, Washington who own land adjacent to
3 the former railroad easement acquired by the Port in 2009. Donald and Patricia
4 Lockners' property, Parcel Number 3343301880, located at 6005 Hazelwood
5 Lane, SE, was acquired on March 21, 1994, and includes the fee title to all that
6 property to the centerline of the abandoned right-of-way that is now subject to
7 an easement for an interim trail and possible future railroad reactivation
8 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
9 the above-described property is attached as Exhibit 31).

11 41. Plaintiff Marjorie Grundhaus is a resident of King County,
12 Washington who owns land adjacent to the former railroad easement acquired
13 by the Port in 2009. Marjorie Grundhaus's property, Parcel Number
14 3343302690, located at 7001 Ripley Lane SE., was acquired on December 21,
15 2006 and includes the fee title to all that property to the centerline of the
16 abandoned right-of-way that is now subject to an easement for an interim trail
17 and possible future railroad reactivation pursuant to the Trails Act. (A copy of
18 the current deed evidencing ownership of the above-described property is
19 attached as Exhibit 32).

21 42. Plaintiffs William and Debra Keppler are husband and wife. The
22 Kepplers are residents of King County, Washington who own land adjacent to
23 the former railroad easement acquired by the Port in 2009. William and Debra
24 Kepplers' property, Parcel Number 3342104045, located at 2805 Mountain
25

1 View Avenue, N., was acquired on January 6, 1997, and includes the fee title to
2 all that property to the centerline of the abandoned right-of-way that is now
3 subject to an easement for an interim trail and possible future railroad
4 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
5 ownership of the above-described property is attached as Exhibit 33).

6 43. Plaintiffs Curtis and Julie Dickerson are husband and wife. The
7 Dickersons are residents of King County, Washington who own land adjacent to
8 the former railroad easement acquired by the Port in 2009. Curtis and Julie
9 Dickersons' property, Parcel Number 4134300045, located at 4865 Lakehurst
10 Lane, SE, was acquired on July 26, 2007, and includes the fee title to all that
11 property to the centerline of the abandoned right-of-way that is now subject to
12 an easement for an interim trail and possible future railroad reactivation
13 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
14 the above-described property is attached as Exhibit 34).

15 44. Plaintiffs Gregory and Patricia Lasek are husband and wife. The
16 Laseks are residents of King County, Washington who own land adjacent to the
17 former railroad easement acquired by the Port in 2009. Gregory and Patricia
18 Laseks' property, Parcel Number 6828700060, located at 5421 Pleasure Point
19 Lane SE, was acquired on September 24, 1974, and includes the fee title to all
20 that property to the centerline of the abandoned right-of-way that is now subject
21 to an easement for an interim trail and possible future railroad reactivation
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1 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
2 the above-described property is attached as Exhibit 35).

3 45. Plaintiffs Yongtao Chen and Qin Li are husband and wife.
4 Yongtao Chen and Qin Li are residents of King County, Washington who own
5 land adjacent to the former railroad easement acquired by the Port in 2009.
6 Yongtao and Qin Li's property, Parcel Number 3343301950, located at 6023
7 Hazelwood Lane, was acquired on April 2, 2013 and includes the fee title to all
8 that property to the centerline of the abandoned right-of-way that is now subject
9 to an easement for an interim trail and possible future railroad reactivation
10 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
11 the above-described property is attached as Exhibit 36).

12 46. Plaintiffs Robert and Alison Taylor are husband and wife. The
13 Taylors are residents of King County, Washington who own land adjacent to the
14 former railroad easement acquired by the Port in 2009. Robert and Alison
15 Taylors' property, Parcel Number 3342700149, located at 3811 Lake
16 Washington Blvd., N., was acquired on October 12, 2000 and includes the fee
17 title to all that property to the centerline of the abandoned right-of-way that is
18 now subject to an easement for an interim trail and possible future railroad
19 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
20 ownership of the above-described property is attached as Exhibit 37).

21 47. Plaintiff Edmund Jones is a resident of King County, Washington
22 who owns land adjacent to the former railroad easement acquired by the Port in
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1 2009. Edmund Jones's property, Parcel Number 2024059046, located at 5615
2 Pleasure Point Lane., was acquired on September 22, 1997 and includes the
3 fee title to all that property to the centerline of the abandoned right-of-way that
4 is now subject to an easement for an interim trail and possible future railroad
5 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
6 ownership of the above-described property is attached as Exhibit 38).

7
8 48. Plaintiffs Donald Miller and Susan Miner are husband and wife.
9 Donald Miller and Susan Miner are residents of King County, Washington who
10 own land adjacent to the former railroad easement acquired by the Port in
11 2009. Donald Miller and Susan Miners' property, Parcel Number 4134300241,
12 located at 5205 Lakehurst Lane, was acquired on August 25, 1992 and
13 includes the fee title to all that property to the centerline of the abandoned right-
14 of-way that is now subject to an easement for an interim trail and possible
15 future railroad reactivation pursuant to the Trails Act. (A copy of the current
16 deed evidencing ownership of the above-described property is attached as
17 Exhibit 39).

18
19 49. Plaintiffs Ronald and Carol Jones are husband and wife. The
20 Joneses are residents of King County, Washington who own land adjacent to
21 the former railroad easement acquired by the Port in 2009. Ronald and Carol
22 Jones' property, Parcel Number 3343302500, located at 6801 Ripley Lane, was
23 acquired on September 11, 2009 and includes the fee title to all that property to
24 the centerline of the abandoned right-of-way that is now subject to an easement
25

1 for an interim trail and possible future railroad reactivation pursuant to the Trails
2 Act. (A copy of the current deed evidencing ownership of the above-described
3 property is attached as Exhibit 40).

4 50. Plaintiffs Steve and Sherri Smolinske are husband and wife. The
5 Smolinskes are residents of King County, Washington who own land adjacent
6 to the former railroad easement acquired by the Port in 2009. Steve and Sherri
7 Smolinskes' property, Parcel Number 2024059045, located at 5603 Pleasure
8 Point Lane SE, was acquired on May 24, 2001 and includes the fee title to all
9 that property to the centerline of the abandoned right-of-way that is now subject
10 to an easement for an interim trail and possible future railroad reactivation
11 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
12 the above-described property is attached as Exhibit 41).

14 51. Plaintiff Joseph Ioppolo is a resident of King County, Washington
15 who owns land adjacent to the former railroad easement acquired by the Port in
16 2009. Joseph Ioppolo's property, Parcel Number 3343302850, located at 5201
17 Ripley Lane N., was acquired on December 1, 1995 and includes the fee title to
18 all that property to the centerline of the abandoned right-of-way that is now
19 subject to an easement for an interim trail and possible future railroad
20 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
21 ownership of the above-described property is attached as Exhibit 42).

23 52. Plaintiffs Richard and Lynn Kaner are husband and wife. The
24 Kaners are residents of King County, Washington who own land adjacent to the
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1 former railroad easement acquired by the Port in 2009. Richard and Lynn
2 Kaners' property, Parcel Number 3343301970, located at 6025 Hazelwood
3 Lane, was acquired on October 10, 2012 and includes the fee title to all that
4 property to the centerline of the abandoned right-of-way that is now subject to
5 an easement for an interim trail and possible future railroad reactivation
6 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
7 the above-described property is attached as Exhibit 43).

8
9 53. Plaintiffs Bradley & Gregory Elfers as Trustees of the 1994
10 Richard H. Elfers Trust are residents of King County, Washington who own
11 land adjacent to the former railroad easement acquired by the Port in 2009.
12 The Elfers' property, Parcel Number 3343302570, located at 6823 Ripley Lane
13 SE, was acquired on November 29, 2002 and includes the fee title to all that
14 property to the centerline of the abandoned right-of-way that is now subject to
15 an easement for an interim trail and possible future railroad reactivation
16 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
17 the above-described property is attached as Exhibit 44).

18
19 54. Plaintiff Paul Remington is a resident of King County, Washington
20 who owns land adjacent to the former railroad easement acquired by the Port in
21 2009. Paul Remington's property, Parcel Number 3343302000, located at
22 6033 Hazelwood Lane, was acquired on April 14, 1998 and includes the fee
23 title to all that property to the centerline of the abandoned right-of-way that is
24 now subject to an easement for an interim trail and possible future railroad
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1 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
2 ownership of the above-described property is attached as Exhibit 45).

3 55. Plaintiff John Burroughs is a resident of King County, Washington
4 who owns land adjacent to the former railroad easement acquired by the Port in
5 2009. John Burroughs' property, Parcel Number 33421040, located at 2815
6 Mountain View Avenue, N., was acquired on December 3, 2001 and includes
7 the fee title to all that property to the centerline of the abandoned right-of-way
8 that is now subject to an easement for an interim trail and possible future
9 railroad reactivation pursuant to the Trails Act. (A copy of the current deed
10 evidencing ownership of the above-described property is attached as Exhibit
11 46).
12

13 56. Plaintiffs Bruce and Mary Erikson are husband and wife. The
14 Eriksons are residents of King County, Washington who own land adjacent to
15 the former railroad easement acquired by the Port in 2009. Bruce and Mary
16 Eriksons' property, Parcel Number 3342700126, located at 3815 Lake
17 Washington Blvd. N., was acquired on November 5, 1998 and includes the fee
18 title to all that property to the centerline of the abandoned right-of-way that is
19 now subject to an easement for an interim trail and possible future railroad
20 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
21 ownership of the above-described property is attached as Exhibit 47).
22

23 57. Plaintiffs Timothy and Virginia Riley are husband and wife. The
24 Rileys are residents of King County, Washington who own land adjacent to the
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1 former railroad easement acquired by the Port in 2009. Timothy and Virginia
2 Rileys' property, Parcel Number 3342700320, located at 3607 Lake
3 Washington Blvd., N., was acquired on August 27, 2003 and includes the fee
4 title to all that property to the centerline of the abandoned right-of-way that is
5 now subject to an easement for an interim trail and possible future railroad
6 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
7 ownership of the above-described property is attached as Exhibit 48).
8

9 58. Plaintiffs James and Kelly Sather are husband and wife. The
10 Sathers are residents of King County, Washington who own land adjacent to
11 the former railroad easement acquired by the Port in 2009. James and Kelly
12 Sathers' property, Parcel Number 4134300220, located at 5075 Lakehurst
13 Lane, SE, was acquired on May 16, 2001 and includes the fee title to all that
14 property to the centerline of the abandoned right-of-way that is now subject to
15 an easement for an interim trail and possible future railroad reactivation
16 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
17 the above-described property is attached as Exhibit 49).
18

19 59. Plaintiff Julian Limited Partnership, c/o Dean & Bryan Johnson is
20 a partnership in King County, Washington and owns land adjacent to the former
21 railroad easement acquired by the Port in 2009. Julian Limited Partnership's
22 property, Parcel Number 6828100045, located at 5819 Pleasure Point Lane,
23 SE, was acquired on May 7, 1993 and includes the fee title to all that property
24 to the centerline of the abandoned right-of-way that is now subject to an
25

1 easement for an interim trail and possible future railroad reactivation pursuant
2 to the Trails Act. (A copy of the current deed evidencing ownership of the
3 above-described property is attached as Exhibit 50).

4 60. Plaintiffs Steven and Kristen Brace are husband and wife. The
5 Braces are residents of King County, Washington who own land adjacent to the
6 former railroad easement acquired by the Port in 2009. Steven and Kristen
7 Braces' property, Parcel Number 6828100085, located at 5659 Pleasure Point
8 Lane, SE, was acquired on August 30, 2004 and includes the fee title to all that
9 property to the centerline of the abandoned right-of-way that is now subject to
10 an easement for an interim trail and possible future railroad reactivation
11 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
12 the above-described property is attached as Exhibit 51).

14 61. Plaintiffs Charles and Courtni Billow are husband and wife. The
15 Billows are residents of King County, Washington who own land adjacent to the
16 former railroad easement acquired by the Port in 2009. Charles and Courtni
17 Billows' property, Parcel Number 6828700095, located at 5233 Pleasure Point
18 Lane, SE, was acquired on September 29, 1999 and includes the fee title to all
19 that property to the centerline of the abandoned right-of-way that is now subject
20 to an easement for an interim trail and possible future railroad reactivation
21 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
22 the above-described property is attached as Exhibit 52).

1 62. Plaintiff Harold A. Bruce is a resident of King County, Washington
2 who owns land adjacent to the former railroad easement acquired by the Port in
3 2009. Harold Bruce's property, Parcel Number 3343302475, located at 6631
4 Ripley Lane N, was acquired on July 31, 1969 and includes the fee title to all
5 that property to the centerline of the abandoned right-of-way that is now subject
6 to an easement for an interim trail and possible future railroad reactivation
7 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
8 the above-described property is attached as Exhibit 53).
9

10 63. Plaintiffs Pierre & Cristi Thiry are husband and wife. The Thirys
11 are residents of King County, Washington who own land adjacent to the former
12 railroad easement acquired by the Port in 2009. Pierre & Cristi Thirys' property,
13 Parcel Number 3343302420, located at 6619 Ripley Lane N, was acquired on
14 October 3, 1980 and includes the fee title to all that property to the centerline of
15 the abandoned right-of-way that is now subject to an easement for an interim
16 trail and possible future railroad reactivation pursuant to the Trails Act. (A copy
17 of the current deed evidencing ownership of the above-described property is
18 attached as Exhibit 54).
19

20 64. Plaintiff Michael Franceshina is a resident of King County,
21 Washington who owns land adjacent to the former railroad easement acquired
22 by the Port in 2009. Michael Franceshina's property, Parcel Number
23 3343302390, located at 6615 Ripley Lane N., was acquired on June 13, 2011
24 and includes the fee title to all that property to the centerline of the abandoned
25

1 right-of-way that is now subject to an easement for an interim trail and possible
2 future railroad reactivation pursuant to the Trails Act. (A copy of the current
3 deed evidencing ownership of the above-described property is attached as
4 Exhibit 55).

5 65. Plaintiffs Michael and Gina Oldham are husband and wife. The
6 Oldhams are residents of King County, Washington who own land adjacent to
7 the former railroad easement acquired by the Port in 2009. Michael and Gina
8 Oldhams' property, Parcel Number 3343302010, located at 6039 Hazelwood,
9 was acquired on March 25, 2002 and includes the fee title to all that property to
10 the centerline of the abandoned right-of-way that is now subject to an easement
11 for an interim trail and possible future railroad reactivation pursuant to the Trails
12 Act. (A copy of the current deed evidencing ownership of the above-described
13 property is attached as Exhibit 56).

14 66. Plaintiffs Stephen and Nancy Porter are husband and wife. The
15 Porters are residents of King County, Washington who owns land adjacent to
16 the former railroad easement acquired by the Port in 2009. Stephen and Nancy
17 Porters' property, Parcel Number 3342103840, located at 3205 Mountain View
18 Ave. N., was acquired on April 20, 1999 and includes the fee title to all that
19 property to the centerline of the abandoned right-of-way that is now subject to
20 an easement for an interim trail and possible future railroad reactivation
21 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
22 the above-described property is attached as Exhibit 57).

1 67. Plaintiffs Robert and Janis Laris are husband and wife. The
2 Laris's are residents of King County, Washington who own land adjacent to the
3 former railroad easement acquired by the Port in 2009. Robert and Janis Laris'
4 property, Parcel Number 3343302480, located at 6637 Ripley Lane, was
5 acquired on December 15, 1993 and includes the fee title to all that property to
6 the centerline of the abandoned right-of-way that is now subject to an easement
7 for an interim trail and possible future railroad reactivation pursuant to the Trails
8 Act. (A copy of the current deed evidencing ownership of the above-described
9 property is attached as Exhibit 58).

11 68. Plaintiffs Michael and Elana Russell are husband and wife. The
12 Russells are residents of King County, Washington who own land adjacent to
13 the former railroad easement acquired by the Port in 2009. Michael and Elana
14 Russells' property, Parcel Number 4134300230, located at 5081 Lakehurst
15 Lane, was acquired on April 28, 1994 and includes the fee title to all that
16 property to the centerline of the abandoned right-of-way that is now subject to
17 an easement for an interim trail and possible future railroad reactivation
18 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
19 the above-described property is attached as Exhibit 59).

21 69. Plaintiff Uma Shenoy is a resident of King County, Washington
22 who owns land adjacent to the former railroad easement acquired by the Port in
23 2009. Uma Shenoy's property, Parcel Number 3343301890, located at 6007
24 Hazelwood Lane, was acquired on August 14, 2007 and includes the fee title to
25

1 all that property to the centerline of the abandoned right-of-way that is now
2 subject to an easement for an interim trail and possible future railroad
3 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
4 ownership of the above-described property is attached as Exhibit 60).

5 70. Plaintiffs Larry and Susan Peterson are husband and wife. The
6 Petersons are residents of King County, Washington who own land adjacent to
7 the former railroad easement acquired by the Port in 2009. Lawrence and
8 Susan Peterson's property, Parcel Number 3343302060, located at 6220
9 Hazelwood Lane, was acquired on June 9, 1971 and includes the fee title to all
10 that property to the centerline of the abandoned right-of-way that is now subject
11 to an easement for an interim trail and possible future railroad reactivation
12 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
13 the above-described property is attached as Exhibit 61).

14 71. Plaintiffs Joseph and Kirstin Peterson are husband and wife. The
15 Petersons are residents of King County, Washington who own land adjacent to
16 the former railroad easement acquired by the Port in 2009. Joseph and Kirstin
17 Peterson's property, Parcel Number 6828100010, located at 5859 Pleasure
18 Point Lane, was acquired on July 5, 2001 and includes the fee title to all that
19 property to the centerline of the abandoned right-of-way that is now subject to
20 an easement for an interim trail and possible future railroad reactivation
21 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
22 the above-described property is attached as Exhibit 62).

1 72. Plaintiffs John Patrick Heily and Sunday Kyrkos are husband and
2 wife. John Heily and Sunday Kyrkos are residents of King County, Washington
3 who own land adjacent to the former railroad easement acquired by the Port in
4 2009. John Heily and Sunday Kyrkos' property, Parcel Number 3342104050,
5 located at 2727 Mountain View Ave. N., was acquired on September 21, 2011
6 and includes the fee title to all that property to the centerline of the abandoned
7 right-of-way that is now subject to an easement for an interim trail and possible
8 future railroad reactivation pursuant to the Trails Act. (A copy of the current
9 deed evidencing ownership of the above-described property is attached as
10 Exhibit 63).

12 73. Plaintiffs Paul and Tracy Gibbons are husband and wife. The
13 Gibbons are residents of King County, Washington who own land adjacent to
14 the former railroad easement acquired by the Port in 2009. Paul and Tracy
15 Gibbons' property, Parcel Number 2024059074, located at 5625 Pleasure Point
16 Lane, was acquired on July 14, 2005 and includes the fee title to all that
17 property to the centerline of the abandoned right-of-way that is now subject to
18 an easement for an interim trail and possible future railroad reactivation
19 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
20 the above-described property is attached as Exhibit 64).

22 74. Plaintiffs Dayton and Marilynn Dennison are husband and wife.
23 The Dennisons are residents of King County, Washington who own land
24 adjacent to the former railroad easement acquired by the Port in 2009. Dayton
25

1 and Marilynn Dennison's property, Parcel Number 3342700200, located at
2 3717 Lake Washington Blvd. N., was acquired on August 31, 1982 and
3 includes the fee title to all that property to the centerline of the abandoned right-
4 of-way that is now subject to an easement for an interim trail and possible
5 future railroad reactivation pursuant to the Trails Act. (A copy of the current
6 deed evidencing ownership of the above-described property is attached as
7 Exhibit 65).

8
9 75. Plaintiff Gregory Nick is a resident of King County, Washington
10 who owns land adjacent to the former railroad easement acquired by the Port in
11 2009. Gregory Nick's property, Parcel Number 3343301920, located at 6015
12 Hazelwood Lane SE, was acquired on January 11, 2006 and includes the fee
13 title to all that property to the centerline of the abandoned right-of-way that is
14 now subject to an easement for an interim trail and possible future railroad
15 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
16 ownership of the above-described property is attached as Exhibit 66).

17
18 76. Plaintiff Diversity Assets, LLC is a corporation of King County,
19 Washington who owns land adjacent to the former railroad easement acquired
20 by the Port in 2009. Diversity Assets, LLC's property, Parcel Number
21 3343302875, located at 5031 Ripley Lane N. was acquired on October 23,
22 2007 and includes the fee title to all that property to the centerline of the
23 abandoned right-of-way that is now subject to an easement for an interim trail
24 and possible future railroad reactivation pursuant to the Trails Act. (A copy of
25

1 the current deed evidencing ownership of the above-described property is
2 attached as Exhibit 67).

3 77. Plaintiff James Johnson is a resident of King County, Washington
4 who owns land adjacent to the former railroad easement acquired by the Port in
5 2009. James Johnson's property, Parcel Number 6828100040, located at 5831
6 Pleasure Point Lane was acquired on May 9, 2006 and includes the fee title to
7 all that property to the centerline of the abandoned right-of-way that is now
8 subject to an easement for an interim trail and possible future railroad
9 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
10 ownership of the above-described property is attached as Exhibit 68).

12 78. Plaintiffs David Williamson and Kristi Sunderland are husband
13 and wife. David Williamson and Kristi Sunderland are residents of King County,
14 Washington who own land adjacent to the former railroad easement acquired
15 by the Port in 2009. David Williamson and Kristi Sunderland's property, Parcel
16 Number 3342700211, located at 3715 Lake Washington Blvd. N., was acquired
17 on October 17, 2013 and includes the fee title to all that property to the
18 centerline of the abandoned right-of-way that is now subject to an easement for
19 an interim trail and possible future railroad reactivation pursuant to the Trails
20 Act. (A copy of the current deed evidencing ownership of the above-described
21 property is attached as Exhibit 69).

23 79. Plaintiff Claudia Mansfield is a resident of King County,
24 Washington who owns land adjacent to the former railroad easement acquired
25

1 by the Port in 2009. Claudia Mansfield's property, Parcel Number 6828100035,
2 located at 5837 Pleasure Point Ln. was acquired on July 25, 1988 and includes
3 the fee title to all that property to the centerline of the abandoned right-of-way
4 that is now subject to an easement for an interim trail and possible future
5 railroad reactivation pursuant to the Trails Act. (A copy of the current deed
6 evidencing ownership of the above-described property is attached as Exhibit
7 70).
8

9 80. Plaintiffs Kevin and Rebecca Lindahl are husband and wife. The
10 Lindahls are residents of King County, Washington who own land adjacent to
11 the former railroad easement acquired by the Port in 2009. Kevin and Rebecca
12 Lindahl's property, Parcel Number 3342700190, located at 3719 Lake
13 Washington Blvd. N., was acquired on August 27, 1997 and includes the fee
14 title to all that property to the centerline of the abandoned right-of-way that is
15 now subject to an easement for an interim trail and possible future railroad
16 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
17 ownership of the above-described property is attached as Exhibit 71).
18

19 81. Plaintiff Kevin Tran is a resident of King County, Washington who
20 owns land adjacent to the former railroad easement acquired by the Port in
21 2009. Kevin Tran's property, Parcel Number 3343301910, located at 6011
22 Hazelwood Ln. SE, was acquired on October 7, 2004 and includes the fee title
23 to all that property to the centerline of the abandoned right-of-way that is now
24 subject to an easement for an interim trail and possible future railroad
25

1 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
2 ownership of the above-described property is attached as Exhibit 72).

3 82. Plaintiff Jeanne DeMund is a resident of King County, Washington
4 who owns land adjacent to the former railroad easement acquired by the Port in
5 2009. Jeanne DeMund's property, Parcel Number 3342104029, located at
6 2811 Mountain View Ave. N, was acquired on May 20, 2009 and includes the
7 fee title to all that property to the centerline of the abandoned right-of-way that
8 is now subject to an easement for an interim trail and possible future railroad
9 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
10 ownership of the above-described property is attached as Exhibit 73).

12 83. Plaintiffs Kathy Haggart, a resident of King County, and Dawn
13 Lawson, a resident of Pierce County, Washington, own land adjacent to the
14 former railroad easement acquired by the Port in 2009. Kathy Haggart and
15 Dawn Lawson's property, Parcel Number 3343302550, located at 6819 Ripley
16 Lane SE, was acquired on March 16, 2012 and includes the fee title to all that
17 property to the centerline of the abandoned right-of-way that is now subject to
18 an easement for an interim trail and possible future railroad reactivation
19 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
20 the above-described property is attached as Exhibit 74).

22 84. Plaintiff Marlene Winter, a resident of King County Washington,
23 owns land adjacent to the former railroad easement acquired by the Port in
24 2009. Marlene Winter's property, Parcel Number 3342104048, located at 2731
25

1 Mountain View Ave., N., was acquired on April 10, 1981 and includes the fee
2 title to all that property to the centerline of the abandoned right-of-way that is
3 now subject to an easement for an interim trail and possible future railroad
4 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
5 ownership of the above-described property is attached as Exhibit 75).

6 85. Plaintiffs Jie Ao and Xin Zhou are husband and wife. Jie Ao and
7 Xin Zhou are residents of King County Washington who own land adjacent to
8 the former railroad easement acquired by the Port in 2009. Jie Ao and Xin
9 Zhou's property, Parcel Number 3343302140, located at 6333 Hazelwood
10 Lane, was acquired on November 6, 2008 and includes the fee title to all that
11 property to the centerline of the abandoned right-of-way that is now subject to
12 an easement for an interim trail and possible future railroad reactivation
13 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of
14 the above-described property is attached as Exhibit 76).

15 86. Plaintiffs David and April Humphrey are husband and wife. David
16 and April Humphrey are residents of King County, Washington who own land
17 adjacent to the former railroad easement acquired by the Port in 2009. David
18 and April Humphrey's property, Parcel Number 3342103810, located at 3209
19 Mountain View Ave. N., was acquired on March 11, 2013 and includes the fee
20 title to all that property to the centerline of the abandoned right-of-way that is
21 now subject to an easement for an interim trail and possible future railroad
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1 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
2 ownership of the above-described property is attached as Exhibit 77).

3 87. Plaintiff James Tasca, a resident of King County Washington,
4 owns land adjacent to the former railroad easement acquired by the Port in
5 2009. James Tasca's property, Parcel Number 3342700100, located at 3827
6 Lake Washington Blvd. N., was acquired on September 2, 2003 and includes
7 the fee title to all that property to the centerline of the abandoned right-of-way
8 that is now subject to an easement for an interim trail and possible future
9 railroad reactivation pursuant to the Trails Act. (A copy of the current deed
10 evidencing ownership of the above-described property is attached as Exhibit
11 78).
12

13 88. Plaintiffs Michael and Amanda Chan are husband and wife.
14 Michael and Amanda Chan are residents of King County Washington who, own
15 land adjacent to the former railroad easement acquired by the Port in 2009.
16 Michael and Amanda Chan's property, Parcel Number 6828700035, located at
17 5455 Pleasure Point Ln., was acquired on March 16, 2004 and includes the fee
18 title to all that property to the centerline of the abandoned right-of-way that is
19 now subject to an easement for an interim trail and possible future railroad
20 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
21 ownership of the above-described property is attached as Exhibit 79).
22

23 89. Plaintiff Gary Weil, a resident of King County Washington, owns
24 land adjacent to the former railroad easement acquired by the Port in 2009.
25

1 Gary Weil's property, Parcel Number 3342700230, located at 3711 Lake
2 Washington Blvd. N., was acquired on February 2, 2007 and includes the fee
3 title to all that property to the centerline of the abandoned right-of-way that is
4 now subject to an easement for an interim trail and possible future railroad
5 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
6 ownership of the above-described property is attached as Exhibit 80).

7
8 90. Plaintiffs Dale and Marla Mitchell are husband and wife. Dale and
9 Marla Mitchell are residents of King County Washington who, own land
10 adjacent to the former railroad easement acquired by the Port in 2009. Dale
11 and Marla Mitchell's property, Parcel Number 6828700026, located at 5465
12 Pleasure Point Ln., was acquired on August 20, 2011 and includes the fee title
13 to all that property to the centerline of the abandoned right-of-way that is now
14 subject to an easement for an interim trail and possible future railroad
15 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
16 ownership of the above-described property is attached as Exhibit 81).

17
18 91. Plaintiffs Frederick and Susan Miller are husband and wife.
19 Frederick and Susan Miller are residents of King County, Washington who own
20 land adjacent to the former railroad easement acquired by the Port in 2009.
21 Frederick and Susan Miller's property, Parcel Number 682810030, located at
22 5841 Pleasure Point Ln., was acquired on August 1, 2007 and includes the fee
23 title to all that property to the centerline of the abandoned right-of-way that is
24 now subject to an easement for an interim trail and possible future railroad
25

1 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
2 ownership of the above -described property is attached as Exhibit 82).

3 92. Plaintiff Frederick A. Crosetto, a resident of King County,
4 Washington, owns land adjacent to the former railroad easement acquired by
5 the Port in 2009. Frederick A. Crosetto's property, Parcel Number
6 3343302880, located at 5025 Ripley Lane, was acquired on September 7, 2007
7 and includes the fee title to all that property to the centerline of the abandoned
8 right-of-way that is now subject to an easement for an interim trail and possible
9 future railroad reactivation pursuant to the Trails Act. (A copy of the current
10 deed evidencing ownership of the above-described property is attached as
11 Exhibit 83).

13 93. Plaintiff Pamela Hunt, a resident of King County, Washington,
14 owns land adjacent to the former railroad easement acquired by the Port in
15 2009. Pamela Hunt's property, Parcel Number 6828100005, located at 5855
16 Pleasure Point Lane, was acquired on July 2, 2007 and includes the fee title to
17 all that property to the centerline of the abandoned right-of-way that is now
18 subject to an easement for an interim trail and possible future railroad
19 reactivation pursuant to the Trails Act. (A copy of the current deed evidencing
20 ownership of the above-described property is attached as Exhibit 84).

22 94. Plaintiff Gretchen Chambers, a resident of King County,
23 Washington, owns land adjacent to the former railroad easement acquired by
24 the Port in 2009. Gretchen Chamber's property, Parcel Number 4134300175,
25

1 located at 5065 Lakehurst Lane, was acquired on March 7, 2003 and includes
2 the fee title to all that property to the centerline of the abandoned right-of-way
3 that is now subject to an easement for an interim trail and possible future
4 railroad reactivation pursuant to the Trails Act. (A copy of the current deed
5 evidencing ownership of the above-described property is attached as Exhibit
6 85).

7 JURISDICTION AND VENUE

8
9 95. This Court has jurisdiction pursuant to the Revised Code of
10 Washington § 7.28.010 *et seq* and 7.24.010 *et seq*. because the Defendants
11 have clouded the title to Plaintiffs' property. The Defendants only obtained an
12 easement for trail use over the surface of Plaintiffs' property by and through
13 implementation of the Trails Act. This action presents a claim arising under the
14 laws of the United States as well as the laws of Washington.

15
16 96. Pursuant to the Revised Code of Washington § 4.12.10, venue is
17 proper because (1) Defendants reside in King County; (2) a substantial part of
18 the events or omissions giving rise to the claims occurred in King County; and
19 (3) all of the property that is the subject of this action is situated in King County.

20 FACTS PERTINENT TO ALL CAUSES FOR RELIEF

21
22 97. In the late 1800s, the Northern Pacific and Puget Sound Shore
23 Railroad Company acquired land to construct their railroad right-of-way along
24 Lake Washington.

1 98. The Port performed title work concerning the railroad's original
2 acquisition of land for the railroad's right-of-way in conjunction with the Port's
3 utilization of the Trails Act and determined that the original right-of-way was
4 obtained through Plaintiffs' land by the use of two deeds and one
5 condemnation: (1) the Lake Washington Belt Line Co. deed, recording
6 instrument number 102518; (2) the Kittinger deed, recording instrument number
7 269500; and/or (3) the State of Washington condemnation, recording
8 instrument number 40536.
9

10 99. In addition to the title work already performed by the Port, these
11 three original conveyances to the railroad have already been analyzed and
12 determined to convey mere easements for railroad purposes by Judge Charles
13 F. Lettow of the United States Court of Federal Claims in *Haggart v. United*
14 *States*, 108 Fed. Cl. 70 (Fed. Cl. 2012). Judge Lettow's Opinion and Order,
15 rendered on December 18, 2012, concluded that all three conveyances were
16 conveyances of easements to the railroad for their railroad purposes only and
17 that the easement currently on Plaintiffs' land is a surface easement for
18 recreational trail use with the potential reactivation of a railroad.
19

20 100. The Northern Pacific and Puget Sound Shore Railroad Company
21 changed names and ownership on several occasions over many decades.
22 After many changes in ownership and acquisition of the line from previous
23 railroads, the Burlington Northern Sante Fe Railroad ("BNSF") became the rail
24
25

1 operator. BNSF operated the railroad line over the railroad corridor for a time
2 and ultimately stopped using the right-of-way for the operation of a railroad.

3 101. The Trails Act authorizes the Surface Transportation Board
4 (“STB”), the governmental entity responsible for regulating railroads and their
5 common carrier obligations, to “preserve for possible future railroad use rights-
6 of-way not currently in service and to allow interim use of the land as
7 recreational trails.”
8

9 102. Congress enacted the Trails Act to address the national problem
10 of railroad abandonments and the loss of the national network of rights-of-way.
11 The Trails Act authorizes the STB to preserve railroad corridors or rights-of-way
12 not currently in use for train service for possible future rail use by converting
13 those rights-of-way into recreational trails. In essence, the Trails Act allows a
14 railroad to relinquish responsibility for a rail line by transferring the corridor to
15 an entity that will use it as a recreational trail. Although the corridor is not used
16 as a railroad during the period of interim trail use, it remains intact for potential
17 future use for rail service. This process is called “railbanking.”
18

19 103. Pursuant to the Trails Act, before a railroad corridor may be
20 converted into a recreational trail, the railroad must either initiate abandonment
21 proceedings with the STB under 49 U.S.C. § 10903 or seek an exemption from
22 the ordinary abandonment procedures under 49 U.S.C. § 10502. Under either
23 procedure, abandonment of the rail line and right-of-way will not be approved
24
25

1 by the STB if a qualified trail provider submits to the STB a request to use the
2 right-of-way as a recreational trail.

3 104. If the trail provider submits a statement of willingness to assume
4 financial and legal responsibility to the STB and the railroad, the STB will issue
5 a Notice of Interim Trail Use or Abandonment (hereinafter "NITU") which
6 preserves the STB's jurisdiction over the rail corridor while the parties negotiate
7 an Interim Trail Use Agreement. 49 C.F.R. § 1152.29(c).
8

9 105. The NITU preserves the STB's jurisdiction over the rail corridor,
10 allows the railroad to discontinue operations and remove track and equipment,
11 and affords the railroad and the trail provider 180 days to negotiate a
12 railbanking and Trails Use Agreement. During this period, the railroad will
13 negotiate an agreement for the transfer of the corridor to the trail operator.
14

15 106. If an agreement is ultimately reached, the NITU automatically
16 authorizes the interim trail use. If the STB takes no further action, the trail
17 sponsor then may assume management of the right-of-way, subject only to the
18 right of the railroad to reassert control of the property for restoration of rail
19 service. If an agreement is not reached, the railroad will be allowed to abandon
20 the line, at which time the STB's jurisdiction over the right-of-way terminates
21 and the fee ownership in the rail corridor returns to the adjacent landowners.
22

23 107. On August 11, 2008, BNSF filed a Petition for Exemption to
24 abandon the line with the STB. On September 18, 2008, King County filed a
25 request for Issuance of Notice of Interim Trail Use/Railbanking. The request for

1 a NITU from the STB was filed pursuant to the Trails Act and is attached as
2 Exhibit A.

3 108. The STB issued three NITUs for the abandoned railroad corridor
4 on October 27, 2008 and November 28, 2008 pursuant to the Trails Act. The
5 NITU issued by the STB applicable to Plaintiffs' land is attached as Exhibit B.

6 109. On May 12, 2008, BNSF and the Port, along with King County,
7 entered into a Purchase and Sale Agreement, whereby BNSF sold the "North
8 Rail Line," defined as that portion of the abandoned right-of-way north of
9 milepost 28.8 in Woodinville to milepost 38.4 in Snohomish County, to the Port
10 for \$106,903,000. BNSF made no representations or warranties concerning
11 title to the North Rail Line and specifically stated that the "Port and County
12 acknowledge and affirm that BNSF may not hold fee simple title to the Property,
13 that BNSF's interest in all or part of the Property, if any, may rise only to the
14 level of an easement for railroad purposes" and that the "Port and County are
15 willing to accept the Property on that basis." The "South Rail Line," which is at
16 issue in this case, was the subject of a separate agreement entered into on the
17 same day. The Purchase and Sale Agreement for the North Rail Line is
18 attached as Exhibit C.

19 110. On the same day as the Purchase and Sale Agreement, May 12,
20 2008, BNSF, the Port, and King County entered into a Donation Agreement
21 whereby BNSF "donated" the "South Rail Line" portion of the right-of-way to the
22 Port and King County. The South Rail Line was defined as the "real and
23
24
25

1 personal property comprising the Woodinville Subdivision from milepost 23.45
2 in Woodinville south to milepost 5.0 in Renton,” which encompasses Plaintiffs’
3 property at issue in this case. BNSF made no representations or warranties
4 concerning title and specifically stated that the “Port and County acknowledge
5 and affirm that BNSF may not hold fee simple title to the Property, that BNSF’s
6 interest in all or part of the Property, if any, may rise only to the level of an
7 easement for railroad purposes” and that “Port and County are willing to accept
8 the Property on this basis.” The Donation Agreement is attached as Exhibit D.
9

10 111. In November of 2009, the Port, King County, and PSE, along with
11 Sound Transit, the City of Redmond and the Cascade Water Alliance, entered
12 into a Memorandum of Understanding to work together to obtain and secure
13 property rights in the abandoned railroad corridor in support of transportation,
14 recreation, and utility uses. The Memorandum is attached as Exhibit E.
15

16 112. The Memorandum of Understanding provides that it was the
17 express purpose of Sound Transit, King County, and Redmond, that the
18 abandoned railroad corridor be “developed and operated to ensure that it is
19 available for the dual purpose of recreational trail and public transportation
20 use.”
21

22 113. On December 18, 2009, pursuant to the Purchase and Sale
23 Agreement for the North Rail Line and the Donation Agreement for the South
24 Rail Line, BNSF executed two Quit Claim Deeds to the Port. BNSF, as grantor,
25 in consideration of ten dollars, quit claimed their interest in the South Rail Line,

1 which was an easement for railroad purposes on the surface of Plaintiffs'
2 property, to the Port, as grantee. The Quit Claim Deed from BNSF to the Port
3 for the South Rail Line is attached as Exhibit F.

4 114. Pursuant to the Trails Act and its implementing regulations, King
5 County entered into an interim Trail Use Agreement with BNSF on February 5,
6 2010 to railbank the railroad corridor from Woodinville to Renton as well as the
7 Redmond Spur from Woodinville to Redmond, subject to reactivation for the
8 resumption of interstate freight service. The interim Trail Use Agreement
9 designated King County as the interim trail user for railbanking purposes. The
10 Trail Use Agreement is attached as Exhibit G.

12 115. The Port, through the Quit Claim Deed from BNSF, and pursuant
13 to the Trails Act, acquired BNSF's easement for railroad purposes over the
14 surface of the right-of-way, which pursuant to the Trails Act, is now an
15 easement for a hiking and biking trail with the possible reactivation of a railroad.
16 The Port, then, pursuant to agreements with King County and other city entities,
17 assigned some of the surface rights in the railroad corridor to King County or
18 other city entities and then improperly and illegally attempted to usurp the
19 landowners' fee interests in the aerial rights and improperly and illegally
20 retained all rights to negotiate agreements with other utilities for the use of the
21 right-of-way, including subsurface and aerial rights, which the Port had no rights
22 to, and claimed all revenues derived from any such agreements.
23
24
25

116. After purportedly acquiring BNSF's right, title and interest in the railroad corridor, the Port granted nonexclusive perpetual easements to PSE over, under, along, across and through the former railroad right-of-way. The purported easement includes aerial and subsurface rights and PSE intends to utilize the Plaintiffs' subsurface rights and aerial rights in the right-of-way pursuant to PSE's "Easement Agreements" to place and maintain overhead and underground facilities and equipment. The Port purportedly reserved the right to sell Plaintiffs' aerial or subsurface rights to other utilities. The easement between the Port and PSE is attached as Exhibit H. In pertinent part, the Easement Agreement provides:

1. **Purpose.** Grantee shall have the right to use and enjoy the Easement Area for the following purposes:

a) To construct, operate, maintain, repair, replace, improve, remove, enlarge, and use the Easement Area for one or more utility systems for purposes of transmission, distribution and sale of electricity. Such systems may include, but are not limited to:

i. **Overhead facilities.** Poles, towers and other support structures with crossarms, braces, guys and anchors; electric transmission and distribution lines; fiber optic cable and other lines, cables and facilities for communications; transformers, street lights, meters, fixtures, attachments and any and all other facilities or appurtenances necessary or convenient to any or all of the foregoing; and

ii. **Underground facilities.** Conduits, lines, cables, vaults, switches and transformers for electricity; fiber optic cable and other lines, cables and facilities for communications; semi-buried or ground-mounted facilities and pads, manholes, meters, fixtures, attachments and any and all other facilities or appurtenances necessary or convenient to any or all of the foregoing.

1 b) To construct, operate, maintain, repair, replace,
2 improve, remove, enlarge, and use the Easement Area for
3 Grantee's utility systems for purposes of transmission, distribution
4 and sale of gas ("Gas Facilities"). Such Gas Facilities may
5 include, but are not limited to underground facilities such as pipes,
6 pipelines, mains, laterals, conduits, regulators and feeders for
7 gas; semi-buried or ground-mounted facilities and pads,
8 manholes, meters, fixtures, attachments and any and all other
9 facilities or appurtenances necessary or convenient to any or all
10 of Grantee's Gas Facilities.

11 117. After purportedly acquiring BNSF's right, title and interest in the
12 railroad corridor, the Port also granted a purported perpetual High Capacity
13 Transportation Easement to Sound Transit on April 11, 2012. The purported
14 High Capacity Transportation Easement includes "the right to own or operate a
15 High Capacity Transit System..., a perpetual non-exclusive easement..., in, on,
16 under, over, along, across and through the Property for high capacity
17 transportation purposes, including the installation, construction, use, operation,
18 inspection, maintenance, repair, replacement, enhancement, expansion,
19 improvement or removal of one or more High Capacity Transit Facilities... and
20 for all purposes necessary, desirable or reasonably related to the development,
21 construction or operation of a High Capacity Transit System, including
22 placement of utilities..." The Port made no warranty of title as to the Property
23 or Easement Agreement and specifically advised Sound Transit that the Port
24 "may not hold fee simple title to the Property and that the Port's interest in all or
25 part of the Property, if any, may rise only to the level of an easement for

1 railroad purposes.” The High Capacity Transportation Easement Agreement is
2 attached as Exhibit L.

3 118. On December 11, 2012, King County adopted Ordinance No.
4 17503, which purportedly authorized the purchase of approximately 15 miles of
5 the railroad corridor from the Port. Ordinance No. 17503 sets forth the series of
6 transactions whereby the right-of-way was acquired pursuant to the Trails Act,
7 references the Memorandum of Understanding executed in 2009, mentions its
8 cooperation with Sound Transit, states that King County will explore a variety of
9 options to fund the acquisition and development of portions of the right-of-way
10 to advance its trail, transportation, and utility system objectives, and authorizes
11 the King County executive to execute a purchase and sale agreement with a
12 purchase price of up to \$15,800,000. Ordinance No. 17503 is attached as
13 Exhibit I.
14

15 119. Pursuant to Ordinance No. 17503, the Port and King County
16 executed a Real Estate Purchase and Sale Agreement. King County
17 purportedly “acquired” portions of the abandoned railroad corridor between
18 Woodinville and Renton for \$15,000,000. The property purportedly acquired by
19 King County pursuant to the Real Estate Purchase and Sale Agreement was
20 conveyed by the Port to King County with no representations or warranties of
21 title of any kind or character and King County specifically “acknowledges and
22 affirms that the Port may not hold fee simple title to the Property, that the Port’s
23 interest in all or part of the Property, if any, may rise only to the level of an
24
25

1 easement for railroad purposes” and that “the County is willing to accept the
2 Property on this basis.” The Real Estate Purchase and Sale Agreement is
3 attached as Exhibit J.

4 120. Pursuant to Ordinance No. 17503, Exhibit I, and the Real Estate
5 Purchase and Sale Agreement, Exhibit J, the Port issued a Quit Claim Deed to
6 King County on February 11, 2013. The Quit Claim Deed from the Port to King
7 County is attached as Exhibit K.

8
9 121. The Port only acquired a surface easement for railroad purposes
10 from BNSF pursuant to the Trails Act. King County could only and did only
11 receive a surface easement by and through the Real Estate Purchase and Sale
12 Agreement and Quit Claim Deed with and from the Port, but has repeatedly
13 made false claims and representations of fee ownership. PSE’s easement from
14 the Port, to the extent it purportedly grants any rights beyond the surface of
15 Plaintiffs’ land, is invalid and unenforceable. Sound Transit’s easement from
16 the Port is also invalid and unenforceable.
17

18 **COUNT I - QUIET TITLE**

19 122. Plaintiffs incorporate by reference paragraphs 1-121 as though
20 fully set forth herein.

21 123. After the STB issued the NITU applicable to Plaintiffs’ land, the
22 Port acquired the right-of-way from BNSF through a quit claim deed on
23 December 18, 2009, filed with the original complaint as Exhibit F. By and
24 through operation of the NITU, the Trails Act, and the quit claim deed, the Port
25

1 acquired BNSF's easement for railroad operations on the surface of Plaintiffs'
2 land and Plaintiffs' land was then encumbered with a surface easement for a
3 hiking and biking trail with the possible reactivation of a railroad.

4 124. Although the Port acquired an easement on the surface of
5 Plaintiffs' land, the Port has asserted that it acquired Plaintiffs' fee ownership in
6 the railroad corridor, including Plaintiffs' subsurface and aerial rights, in addition
7 to Plaintiffs' surface rights.
8

9 125. King County, by and through the Quit Claim deed from the Port,
10 acquired the Port's easement for a hiking and biking trail with the possible
11 reactivation of a railroad, which are the specific legal rights that King County
12 assumed as the Trail User under the Trails Act.

13 126. Even though King County only obtained an easement for a hiking
14 and biking trail with the possible reactivation of a railroad over and upon the
15 surface of Plaintiffs' land, King County has asserted fee ownership in the former
16 railroad corridor, including Plaintiffs' subsurface and aerial rights.
17

18 127. The Port also granted an easement to PSE that purportedly
19 included Plaintiffs' subsurface and aerial rights and PSE purportedly intends to
20 utilize Plaintiffs' subsurface and/or aerial rights to place and maintain high
21 voltage overhead and underground facilities and equipment.

22 128. The purported easement agreement between the Port and PSE,
23 to the extent it attempts to grant rights to PSE beyond a hiking and biking trail
24 with the possible reactivation of a railroad on the surface of Plaintiffs' land,
25

1 including any subsurface or aerial rights on Plaintiffs' land, amounts to an illegal
2 cloud on Plaintiffs' fee ownership.

3 129. In addition, Sound Transit may improperly claim an interest in the
4 right-of-way, as indicated in the Memorandum of Understanding, filed with the
5 original complaint as Exhibit E, which referred to "the alignments under
6 consideration for Sound Transit's Eastlink light rail project require property
7 rights within" [the right-of-way], and the High Capacity Transportation
8 Agreement, attached hereto as Exhibit L, and also amounts to a cloud on
9 Plaintiffs' fee ownership.
10

11 130. The conduct of the Port, King County, PSE, and Sound Transit, in
12 claiming to be able to utilize Plaintiffs' subsurface and aerial rights for their own
13 purposes, and in selling Plaintiffs' subsurface and aerial rights to other utilities,
14 amounts to a cloud on Plaintiffs' fee ownership in their subsurface and aerial
15 rights.
16

17 131. Pursuant to § 7.28.010 of the Revised Code of Washington, and
18 because the Plaintiffs own the fee interest in the right-of-way, the actions and
19 conduct of the Port, King County, PSE, and Sound Transit, in claiming fee
20 ownership of the right-of-way and an interest in Plaintiffs' subsurface and aerial
21 rights has improperly placed a cloud on Plaintiffs' title.
22

23 132. As a direct and proximate result of the cloud on Plaintiffs' title
24 created by the unlawful acts and conduct of the Port, King County, PSE, and
25 Sound Transit in claiming rights to Plaintiffs' subsurface and aerial rights,

1 Plaintiffs are entitled to an order quieting any claim of any interest in the
2 subsurface and aerial rights by the Port, King County, PSE, and Sound Transit.

3 **COUNT II - DECLARATORY JUDGMENT**

4 133. Plaintiffs hereby incorporate by reference paragraphs 1-132 as
5 though fully set forth herein.

6 134. Plaintiffs own the underlying fee in the railroad right-of-way
7 adjacent to their property, including subsurface and aerial rights.

8 135. BNSF, prior to implementation of the Trails Act and the granting of
9 a quit claim deed to the Port, possessed an easement for railroad purposes on
10 the surface of Plaintiffs' fee ownership in the railroad's right-of-way.

11 136. The Port, by and through a Quit Claim Deed from BNSF, on
12 December 18, 2009, filed with the original complaint as Exhibit F, acquired
13 BNSF's easement for railroad purposes, which is now an easement for a hiking
14 and biking trail with the potential reactivation of a railroad pursuant to the Trails
15 Act, on the surface of Plaintiffs' fee ownership.

16 137. Pursuant to the Trails Act, BNSF abandoned their easement for
17 railroad purposes on the surface of Plaintiffs' fee ownership and King County,
18 as trail operator under the Trails Act, acquired a surface easement for a hiking
19 and biking trail with the possible reactivation of a railroad.

20 138. Although the Port and King County merely acquired a surface
21 easement for a hiking and biking trail on Plaintiffs' property with the possible
22 reactivation of a railroad, the Port granted an easement to PSE beyond the
23
24
25

1 surface easement which they lawfully obtained pursuant to the Trails Act by
2 purportedly granting subsurface and aerial rights to PSE for underground or
3 aerial infrastructure on Plaintiffs' property.

4 139. In addition, the Port also granted an easement to Sound Transit
5 and Sound Transit may improperly claim an interest in the right-of-way as
6 indicated in the Memorandum of Understanding, filed with the original complaint
7 as Exhibit E, and the High Capacity Transportation Easement, attached hereto
8 as Exhibit L, which referred to considerations for Sound Transit's Eastlink light
9 rail project.
10

11 140. Under the Uniform Declaratory Judgments Act, Chapter 7.24 of
12 the Revised Code of Washington, the Court has jurisdiction to declare the rights
13 of the parties with respect to the railroad right-of-way at issue. Specifically,
14 under Section 7.24.020 of the Revised Code of Washington, any person
15 claiming an interest under a deed, written contract, or statute is entitled to a
16 determination of rights arising under the deed, written contract, or statute.
17

18 141. Plaintiffs are entitled to a declaration of rights that they are the fee
19 owners of the railroad right-of-way at issue, that the Port and King County only
20 acquired a surface easement for a hiking and biking trail with the possible
21 reactivation of a railroad pursuant to the Trails Act, that PSE has obtained no
22 interest in the subsurface or aerial rights on the railroad right-of-way pursuant to
23 the purported easement granted by the Port to PSE, and that Sound Transit did
24
25

1 not acquire an interest in the right-of-way pursuant to the Memorandum of
2 Understanding and/or the High Capacity Transportation Easement.

3 142. WHEREFORE, Plaintiffs respectfully request that judgment be
4 entered for Plaintiffs and against the Port, King County, PSE, and Sound
5 Transit quieting title in Plaintiffs' favor and for a declaratory judgment declaring
6 that the Port and King County only obtained a surface easement for a hiking
7 and biking trail with the possible reactivation of a railroad by and through the
8 Trails Act and the Quit Claim Deed with BNSF and declaring that PSE obtained
9 no interest whatsoever in Plaintiffs' subsurface and aerial rights by and through
10 the Trails Act and their purported Easement Agreement with the Port, and
11 declaring that Sound Transit did not acquire an interest in the right-of-way
12 pursuant to the Memorandum of Understanding, for such further monetary and
13 equitable relief and for allowable costs and attorney fees as the Court may
14 deem just and proper.
15

16
17 Date: October 1, 2014.

BAKER STERCHI COWDEN & RICE, L.L.C.

18
19 By /s/ Thomas S. Stewart

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AND

SECOND AMENDED COMPLAINT TO QUIET TITLE
AND FOR DECLARATORY RELIEF- PAGE 56

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October 2014, the foregoing was filed electronically with the Clerk of the Court to be served by the operation of the Court's electronic filing system upon all parties of record.

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SECOND AMENDED COMPLAINT TO QUIET TITLE
AND FOR DECLARATORY RELIEF- PAGE 57

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4833-7359-5934, v. 1